

REMARKS

Claims 49-52 have been canceled, without prejudice or disclaimer.

Telephonic Interview With the Examiner

The undersigned wishes to thank Examiner Cheryl Juska for the courtesy of a telephonic interview with the undersigned conducted on February 13, 2004. The following is a complete written statement of the substance of the interview in accordance with the requirements of 37 C.F.R. § 1.133(b).

During the interview of February 13, 2004, initiated by Mr. Pomianek, the status of the Office Action issued January 21, 2004 was discussed. Mr. Pomianek pointed out that the summary section of the Office Action stated that it was "Non-Final," but that the conclusion of the Office Action indicated that its status was "Final." Examiner Juska reviewed the application file and indicated that the correct status for the Office Action was "Non-Final."

Rejection of Claims 1, 2, 7-15, 20-25, 49, and 52 Under 35 U.S.C. § 103(a) as Being Unpatentable Over European Patent Application No. 0 507 028 A1 to Gabay, et al. (hereinafter "Gabay") [Presumably in View of U.S. Patent No. 3,669,818 to Stark (hereinafter "Stark")?].

As an initial matter, it is noted that the first sentence of paragraph 5 on page 2 of the Office Action indicates that the above claims are rejected under 35 U.S.C. § 103(a) in view of Gabay. No mention is made of Stark. However, in the body of the rejection on page 3, the Patent Office clearly makes reference to and relies on the teaching of Stark to supplement that of Gabay in formulating the rejection. Accordingly, it is assumed that the initial sentence of the rejection should have indicated that the rejection under 35 U.S.C. § 103(a) of the present claims is over Gabay in view of Stark, and the response below is formulated accordingly. If, this assumption is incorrect, or if only certain of the listed claims are rejected over Gabay in view of Stark and others are rejected over Gabay alone, it is respectfully requested that in the next Office Communication, the Patent Office clarify the basis of the rejection so that remarks more clearly responsive to the Patent Office's basis for rejection can be presented.

In accordance with the above-indicated assumption concerning the basis of the present rejection, reconsideration is respectfully requested of the rejection of the above claims under 35 U.S.C. § 103(a) as being unpatentable over Gabay in view of Stark. The Office Action states that Gabay discloses a process and system of embossing and transfer printing of velvet-like fabric, such as a flocked fabric, and that Gabay teaches superimposed printing and embossing of

flocked fabric, but does not explicitly teach superimposing a printed and embossed pattern such that they are out of registry with each other. The Office Action then characterizes Stark as teaching the printing of a design on a patterned pile surface, wherein the design is printed out of register with the pile pattern. The Office Action alleges that it would have been obvious to one skilled in the art to modify the Gabay process by superimposing its printed pattern out of registry with the embossed pattern in order to produce an “aesthetically pleasing, visually enhanced flocked fabric.” In the subsequent paragraph of the Office Action, the Patent Office appears to concede that Gabay and Stark, even in combination, fail to teach certain limitations recited in the rejected claims; however, the Office Action alleges that these limitations are merely reflective of an obvious design choice and thus cannot support patentability (citing for support In re Seid, 161 F.2d 229, 73 USPQ 431 (CCPA 1947) and In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)). The Office Action maintains that the indicated limitations will not be deemed to carry patentable weight absent persuasive evidence that the particular configurations described by the limitations are significant and relate to the functionality of the claimed invention and not to “matters relating to ornamentation only.”

It is respectfully believed that the above-described basis for rejection is insupportable. It is believed that the Patent Office has failed to establish a *prima facie* case of obviousness for at least the following reasons: (1) there would have been no motivation to modify the Gabay process in view of Stark as described in the Office Action because such modification would be impossible without changing the basic operating principles of Gabay and subverting the desired results stated as being a key object of the Gabay invention; and (2) the combination of Gabay and Stark, even if made, fails to teach all of the limitations of the rejected claims and, moreover, the limitations that are not taught or suggested by the combination of Gabay and Stark are not “mere matters of design choice” or related to “ornamentation only” but rather are important and significant to the functional utility of the claimed invention.

Regarding point (1), Stark does not provide motivation to modify the systems and methods of Gabay so as to form a printed pattern out of register with an embossed pattern on a pile fabric, along the lines suggested in the Office Action, because such a modification would be impossible to make, at least without changing the basic operating principle of Gabay thereby rendering it unsuited for its intended purpose. The Gabay method and system of embossing and printing pile fabric by their very nature are not capable of printing except within the embossed portions of the fabric surface. The only system and method for performing the invention of Gabay disclosed in the Gabay reference involves a simultaneous embossing and printing

configuration in which an embossed roller having a plurality of protrusions, extending from a surface thereof, impinges upon the surface of a transfer print sheet disposed between the roller and the pile surface of the fabric, so that the fabric is embossed in the pattern of the protrusions of the roller while, at the same time, the dyes are transferred to the embossed regions via heat and pressure applied by the protrusions on the roller to the embossed regions (see, e.g., Abstract, lines 3-12; Column 3, lines 22-31; and Column 8, lines 26-28). While such a configuration enables the printed pattern to be formed simultaneously with the embossed pattern, which is an important object of the Gabay invention (see, e.g., Column 4, lines 23-29), it necessarily requires that the printed pattern be applied to, and only to, the embossed depressions formed by the roller during the simultaneous printing/embossing step. To configure the Gabay system otherwise, such as suggested in the Office Action, would require a complete redesign/replacement of the disclosed system and apparatus in such a way as to change its basic operating principle (i.e., the application of heat and pressure via protrusions on a roller to a print transfer sheet in contact with a pile surface). Thus, Gabay cannot be “modified” to accomplish the result taught by Stark without completely changing its basic design principle and, moreover, subverting a basic object of the Gabay invention, namely to achieve simultaneous printing and embossing in a single step.

An analysis of the teaching of Stark further emphasizes the incompatibility of the two references and further teaches away from their combination along the lines suggested in the Office Action. Namely, the Stark reference is not directed to a system or technique for embossing fabrics at all, but rather is limited to superimposing a printed pattern onto a pile surface of a fabric having a pattern thereon formed by means other than embossing (see, e.g., Column 1, lines 27-39.) Accordingly, because the proposed modification of Gabay in view of Stark is improper for the reasons discussed above, the present rejection is believed to be overcome, and for this reason alone, should be withdrawn.

Moreover, if one were to assume, merely for the sake of argument, that the modification of Gabay in view of Stark could be made and were made, the modified system reflecting the combination of Gabay and Stark still would not teach or suggest all of the limitations of the rejected claims, as discussed in more detail in the following paragraphs.

Regarding Independent Claim 1

No where does Gabay or Stark, alone or in combination, appear to disclose or suggest a fabric including a pile layer having an embossed pattern thereon and further having a printed pattern superimposed upon the embossed pattern, wherein the longitudinal axes of the visible

features of the printed pattern are oriented substantially along the same direction as the longitudinal axes of the visual discernable regions of the embossed pattern, as recited in independent claim 1.

The Office Action indeed concedes that neither Gabay nor Stark teaches such a configuration; however, with respect to these limitations, the Office Action states that they are descriptive of a specific design pattern and a matter of mere design choice, such that it would have been obvious to one of ordinary skill in the art to modify the embossed and printed patterns of Gabay in such a way to provide a fabric satisfying these limitations. In support of its position that the above-mentioned limitations are merely reflective of a matter of design choice, the Office Action cites In re Seid, 161 F.2d 229, 73 USPQ 431 (CCPA 1947), for the proposition that limitations directed to ornamentation only which have no bearing on the function of claimed article cannot be relied upon to patentably distinguish a claimed invention from the prior art, and further cites In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) for the proposition that a particular configuration of a claimed article is a matter of design choice only absent persuasive evidence that the particular configuration recited in the claims is significant.

The characterization of the limitations in claim 1 directed to provision of an embossed pattern including a plurality of visually discernable regions having generally elongate shapes with longitudinal axes aligned substantially along a given direction and further including a printed pattern superimposed upon the embossed pattern that includes a plurality of visible features having generally elongate shapes with longitudinal axes of the shapes being oriented substantially along the same direction as reflecting a matter of “mere design choice” related to ornamentation only is not believed to be correct. Beyond the fact that neither Gabay nor Stark, either alone or in combination, specifically suggest or motivate one of ordinary skill in the art to construct a fabric satisfying the above-mentioned limitations, it is believed that the above-mentioned limitations are not directed to a merely ornamental feature of the claimed fabric, but rather describe very specific structural characteristics of and interrelationships between the embossed and printed patterns of the claimed fabric, which are significant and important for achieving the desired, beneficial functional purpose and utility of the claimed fabric.

These structural limitations do not merely describe a “specific design pattern” as alleged in the Office Action, but rather directly relate to the fabric’s function and utility. The significance of these limitations and the way in which these limitations are descriptive of structure that can enhance and enable the functionality and utility of the fabric, indeed even providing the ability to use claimed embossed pile fabric for new purposes – for that type of

fabric- such as camouflage, is explained specifically and extensively throughout the specification. For example, an extensive description of the interrelationship between the shape and relative orientation of the printed and embossed patterns and how these features are important and significant in providing new and unexpected utility and functionality for pile fabrics, such as flocked pile fabrics, can be found in the specification on, for example, page 7, line 6-page 8, line 10 and on page 26, line 4-page 27, line 10; and can be seen in Figures 1B-1d and 2d-2e.

Contrary to the assertions made in the Office Action, neither In re Seid nor In re Dailey support the contention that the above-discussed limitations of claim 1 involve merely matters of design choice and ornamentation which can impart no patentable distinction of the claimed fabrics over the prior art; but rather, these cases, in the distinction of the limitations at issue in those cases from those of the presently claimed invention, support the position that the above-mentioned limitations of the presently rejected claims are not merely descriptive of matters of design choice and ornamentation but rather are significant to the function and utility of the claimed fabric.

The Patent Office's reliance on In re Seid and In re Dailey in the Office Action in support of its contention that the above-recited claim limitations directed to shape and orientation of the embossed and printed features of the claimed fabric is misplaced, because, unlike the above-discussed limitations of claim 1, the limitations at issue in In re Seid and In re Dailey were not shown by the Appellants to have any functional significance or to provide any enhanced performance characteristics or additional utility for the claimed articles.

For example, In re Seid related to a claim for an advertising display device comprising a bottle and a hollow member in the shape of a human figure from the waste up, which was adapted to fit over and cover the neck of the bottle, wherein the hollow member and the bottle together give the impression of the human body. In re Seid, 161 F.2d at 230. The Appellant argued that certain limitations in the upper part of the body, including the arrangement of the arms, were not taught in the prior art. Id. at 231. The Court found that these limitations could not be relied upon for patentably distinguishing the prior art asserted against the device, because they related to a mere matter of choice and ornamentality and produced no new functional effect or advantage. Id.

This stands in stark contrast to the above-discussed limitations in claim 1 directed to the shape and relative orientation of the embossed and printed features of the claimed fabric. As discussed above, and as is explained extensively in the specification, these structural limitations

are significant to the function of the recited fabric and, in fact, can impart significant and advantageous performance characteristics to the fabric, such as the ability to reduce the visual contrast of the fabric with a surrounding environment by, for example, providing a realistic texturing effect to a printed scene or illustration. As discussed in detail in the specification, such functionality and utility can enable the printed, textured flocked fabrics to be employed for what is believed to be a new application for such fabrics, namely their use as camouflage. Moreover, unlike the present rejection made by the Patent Office in which there appears to be essentially no specific suggestion or motivation for providing the specific shape and relative orientation characteristics recited in claim 1, in In re Seid, the facts indicated that the specific design features of the figure at issue were strongly suggested in the prior art of record and that the prior art of record was seeking to solve the same or similar problems in the art. In re Seid, 161 F.2d at 230, 231. There has been absolutely no showing by the Patent Office, in the context of the present rejection, that any of the limitations not taught by Gabay or Stark are somehow suggested by these references.

In In re Dailey, the limitation in question was a certain shape and configuration of a container comprising part of an infant nursing bottle. In re Dailey, 357 F.2d at 670. The Court agreed with the Board of Patent Appeals and Interferences that the claimed configuration was a mere matter of design choice and obvious over the cited prior art emphasizing that “Applicants have presented no argument which convince us that particular configuration of their container is significant or is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious...” Id. at 672, 673. As discussed in detail above, this situation is entirely different from the present situation, in which the extensive argument has been presented supported by disclosure in the specification of the application in support of the significance of the claim limitations at issue with respect to the function and utility of the claimed fabrics and with respect to such claimed structure not being a matter of mere, obvious design choice.

To the extent that the Patent Office is stating or implying in the present rejection that any limitations that are related to or are directed to the visual appearance of a claimed article are, *per se*, non-functional and merely ornamental, this contention is contrary to well established patent law. Indeed, it is well established in patent law that limitations directed to of affecting the appearance of an article can support patentability, like any other structural limitation of an article claim, so long as they meet the statutory requirements for patentability – i.e., are useful, are novel over the prior art, and are not obvious in view of the prior art - for example, by being

suggested by one or more prior art references or from the knowledge of those skilled in the art or from the nature of the problem to be solved.

As but one example, in In re Dembiczak, the United States Court of Appeals for the Federal Circuit reversed a holding of obviousness by the Board of Patent Appeals and Interferences (BPAI) for a claim directed to an orange plastic trash bag having facial indicia (i.e., decorated with lines and facial features) thereon. In re Dembiczak, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The BPAI had held that the application of the facial indicia to the outer surface of the claimed bag was the only difference between the invention defined by the claims on appeal and trash bags known in the prior art. In re Dembiczak, 175 F.3d at 997, 998, 1000. The BPAI held that, especially in view of the other prior art references of record teaching other types of bags having facial indicia thereon, such provision of facial indicia on the claimed bags would have been an obvious matter of design choice. Id.

The Federal Circuit, however, reversed this holding emphasizing that there was no evidence in the record of a suggestion, teaching, or motivation to combine the prior art references teaching plastic trash bags and facial indicia on other types of bags, and noting that the limitations directed to the inclusion of facial indicia were not insignificant, but were important to the functional utility of the bag – namely, enabling the bag, when filled with trash or leaves to resemble a Halloween style pumpkin or jack-o-lantern – which was an important advantage of the claimed trash bags *vis-à-vis* trash bags of the prior art. Id. at 996, 1000, 1001. Similar to the limitations of In re Dembiczak, which related to the appearance of the claimed trash bag articles, the claim limitations presently contended by the Patent Office to relate to “matters of mere design choice,” while they do relate to fabric structure affecting the visual appearance of the fabrics, are like the limitations in In re Dembiczak, in that they significantly and substantially affect the function and performance of the claimed article and result in key performance-related advantages of the claimed article over prior art not including the features described by the claim limitations at issue. Accordingly, these limitations cannot be dismissed as being “mere ornamentation” or “matters of design choice” that cannot support patentability as is done in the Office Action. In view of the above remarks, it is believed that the present rejection of independent claim 1 has been overcome, and reconsideration and withdrawal of the rejection on the present basis is respectfully requested.

Regarding Independent Claim 13

Regarding independent claim 13, nowhere does Gabay or Stark, alone or in combination, appear to teach or suggest a fabric comprising a pile layer having superimposed thereupon an embossed pattern and a printed pattern, the printed pattern characterized by a scene or illustration, wherein the embossed pattern imparts a 3-dimensional texture to the scene or illustration, the texture imparting a visual effect to the scene or illustration which renders it more realistic than the scene or illustration without the superimposed embossed pattern. As discussed above, and as described in detail in the specification, for example, see page 6, line 26-page 8, line 10, the structural characteristics implied by the limitations recited in this claim do not relate to “mere ornamentation” or a “matter of design choice” but rather relate to structure providing unique and advantageous functional and performance characteristics for the claimed fabric.

Claims 2, and 7-12 depend from and include all of the limitations of independent claim 1, and dependent claims 14, 15, and 20-25 depend from and include all of the limitations of independent claim 13, and are believed to patentably distinguish the cited references for at least the reasons stated above regarding the respective independent claims from which they depend.

Moreover, with respect to dependent claim 2, as discussed above in the context of the rejection of independent claim 13, nowhere does it appear that Gabay or Stark teach or suggest a pile fabric including a printed pattern and an embossed pattern wherein the embossed pattern imparts a three-dimensional texture to a scene or illustration characterizing the printed pattern, so as to impart a visual effect to the scene or illustration which renders it more realistic than the scene or illustration without the superimposed embossed pattern. Similarly, claims 14 and 15 recite limitations similar to those discussed above in the context of the rejection of independent claim 1, which are neither disclosed nor suggested by Gabay or Stark.

Regarding dependent claims 8 and 21, nowhere does Gabay or Stark appear to teach or suggest forming the embossed pattern by air embossing. By contrast, the Gabay system and method is limited to simultaneous printing and embossing via heated rollers and the disclosure of Stark, as discussed above, is completely devoid of a teaching or suggestion of forming a pattern via embossing. Similarly, nowhere does the Applicant observe where Gabay or Stark teaches or suggests the additional limitations recited in dependent claims 10 and 23, or 12 and 25. For the above-mentioned reasons, it is believed that the present rejection of dependent claims 2, 7-15, and 20-25 has been overcome, and reconsideration and withdrawal of the rejection is respectfully requested.

Rejection of Claims 3-6, 16-19, 26, 27, 47, 48, 50, 51, and 53-57 under 35 U.S.C. §103(a) as being unpatentable over Gabay and Stark as applied above, and further in view of U.S. Patent No. 5,756,180 to Squires et al. (hereinafter "Squires")

Reconsideration is respectfully requested of the rejection of the above claims under 35 U.S.C. §103(a) as being unpatentable over Gabay and Stark, as applied in the previous rejection, in view of Squires. The Office Action states that although Gabay and Stark do not explicitly teach a camouflage pile or flock fabric, such fabrics are well known in the art. For support, the Office Action relies on Squires, which it states discloses a flocked fabric suitable as outerwear, which can be of a camouflage pattern. The Office Action then concludes that it would have been obvious to one of ordinary skill in the art to choose a camouflage pattern for the printed pattern taught by Gabay and Stark. The motivation given in the Office Action for doing so would be to provide an "aesthetically pleasing and marketable product."

While it is agreed that, in general, camouflage patterns - in the context of many types of printed fabrics - are well known in the art, a camouflage printed pile/flock fabric having an embossed pattern thereon and further including the features recited in the claims rejected on the present basis, is believed not to be known in the art and, indeed, is believed to be patentable in view of the prior art. As discussed in more detail below, while Squires does teach printing a camouflage pattern on a flocked fabric to produce a fabric suitable as outerwear, as pointed out in the Office Action, when the teaching of Squires is considered as a whole - as is required in a proper analysis of obviousness under prevailing patent law, see e.g., MPEP §2141.02 and MPEP §2145 X. D. - Squires not only does not suggest the proposed modification but, in fact, strongly teaches away from it. For this reason, the Patent Office's reliance on Squires as supporting the proposed modification of Gabay and Stark is misplaced and the proposed combination of references is improper.

The Office Action appears to use Squires' disclosure of a camouflage-printed flocked fabric in support of its proposition that camouflage-printed flocked fabrics are well-known in the art. From this, it appears that the Office Action suggests that the disclosure in Squires of printing flocked fabrics with a camouflage pattern would have made it obvious to those skilled in the art to print the fabrics taught by Gabay and Stark with a camouflage pattern, as allegedly suggested in Squires. However, as discussed below, one of ordinary skill in the art considering Squires in its entirety would not have been so motivated for at least the following two reasons.

First, far from supporting the proposition that Squires suggests printing an embossed or otherwise textured flocked or pile fabric (such as the fabrics of Gabay or Stark) with a camouflage pattern, the disclosure of Squires, in fact, strongly teaches away from such a combination. Secondly, even if those of ordinary skill in the art were to combine Squires and the primary references in the way suggested by the Patent Office in the Office Action, none of the references, alone or in combination, explicitly or inherently teaches or suggests any fabrics or any methods necessarily resulting in such fabrics, having all of the characteristics and limitations recited in the claims rejected on the current basis. In other words, Squires, which does not even refer to embossing or texturing of pile fabrics at all, cannot cure the deficiencies of Gabay and Stark pointed out in response to the previous rejection.

Regarding point 1 above, the methods and systems referred to in Gabay and Stark appear to be directed to forming, generally, a flocked or other pile fabric having a pile surface characterized by a multi-height textured pattern, with a printed pattern also being present on the pile surface. The disclosure of Squires, when considered in its entirety, clearly teaches away from a camouflage-printed flocked fabric having such a surface texture and from printing such a textured fabric with a camouflage pattern. Indeed, Squires suggests that a flocked camouflage-printed fabric having such a texture would be poorly suited or unsuitable for the intended use of the fabrics provided by Squires, namely as outerwear for hunting or other outdoor activities.

Specifically, Squires teaches that it is important for creating a camouflage-printed flocked fabric according to his invention that, during the printing process, the flock be completely flattened to produce a featureless, non-textured surface, to render the fabric "suitable for outdoor use as a worn garment" (see Column 1, lines 15-16 and 22-25; Column 5, lines 9-13 and 53-56; Column 6, lines 67 - Column 7, line 4; Column 7, lines 30-33; Column 9, lines 23-25; Column 10, lines 55-58; Column 10, lines 64 - Column 11, line 1; Column 11, lines 4-6, 11-12, 20-22 and 24-37; and Column 12, lines 7-11). Squires also teaches that it is important that the flock be completely flattened in order for the printed pattern to appear "crisp and without distortion" (Column 1, lines 27-28; Column 2, lines 5-14; Column 6, lines 12-27; Column 7, lines 13-18; Column 9, lines 16-20; Column 11, lines 38-41 and 51-54; Column 12, lines 1-6 and 50-54). Accordingly, those of ordinary skill in the art, considering the teachings of Squires as a whole, would interpret Squires as teaching against the superimposition of an embossed pattern and a printed pattern, at least in the context of forming a marketable camouflage fabric. Squires specifically teaches that printing on flattened flock is important to avoid visual distortion of the printed image. Accordingly, those of ordinary skill in the art considering the Squires reference

in its entirety would reasonably conclude that printing the camouflage patterns disclosed in Squires on a textured pile surface would result in the very “distortion” that Squires’ printing technique was disclosed as being specifically designed to avoid.

In short, those of ordinary skill in the art considering Squires as a whole would not have found a suggestion to print a camouflage pattern on the textured pile fabric surfaces disclosed by Gabay and Stark but, rather, in view of Squires disclosure of the importance of flattening the flock completely during the printing process to achieve desirable/necessary properties for camouflage outdoor fabrics and a desirable visual rendition of the camouflage pattern free of distortion, would be motivated to print untextured pile fabrics in such a way as to completely flatten the pile prior to or during printing to yield a flat, smooth, untextured fabric having a camouflage pattern printed thereon. In other words, why go to the trouble and expense of texturing the pile surface only to completely flatten it during the camouflage printing process?

Regarding point two raised above, as discussed in more detail below, even if one were to assume, incorrectly, that Squires were to motivate one of ordinary skill in the art to print the textured pile fabrics disclosed in Gabay and Stark with a camouflage pattern as suggested in the Office Action, as discussed in response to the previous rejection, such combination would still not disclose or suggest, either explicitly or inherently, all of the features recited in the rejected claims. In other words, Squires, not only does not suggest the superimposition of a textured pattern and a printed camouflage pattern - in fact strongly teaching away from such – but it also cannot cure the above-described deficiencies of Gabay and Stark. Accordingly, in the paragraphs below, specific features recited in claims rejected on the current basis are illustrated, which appear to be neither disclosed nor suggested by the combination of Gabay, Stark and Squires proposed in the Office Action.

Regarding claims 3-6, these claims depend from and include all of the limitations of independent claim 1. As explained in response to the previous rejection, neither Gabay nor Stark, alone or in combination, suggests all of the recited limitations of the fabric described by independent claim 1. Squires, does not cure any of these deficiencies. Accordingly, claims 3-6, which depend from independent claim 1, are also patentable over the combination of Gabay, Stark and Squires. Similarly, claim 16-19 depend from and include all of the limitations of independent claim 13. As explained in response to the previous rejection, independent claim 13 also recites limitations neither disclosed nor suggested by Gabay and Stark. Because Squires does not cure any of these deficiencies, these claims are not rendered obvious by the combination

of Gabay, Stark and Squires either. Accordingly, reconsideration and withdrawal of the present grounds for rejection of these dependent claims is respectfully requested.

Regarding Independent Claim 26

Regarding independent claim 26, nowhere does Gabay, Stark or Squires, alone or in combination, appear to disclose, explicitly or inherently, or suggest a camouflage fabric comprising a layer of air textured pile having printed thereon an illustration, wherein the air textured pattern comprises a random overlay of the illustration of depressions that are non-uniform in length and width. Accordingly, independent claim 26 is believed to be patentable over Gabay, Stark and Squires. Accordingly, reconsideration and withdrawal of the rejection of this claim on the present basis is respectfully requested. Claim 27 depends from and includes all of the limitations of independent claim 26 and is believed to be patentable over Gabay, Stark and Squires for at least the reasons stated above for claim 26.

Regarding Independent Claims 47 and 48

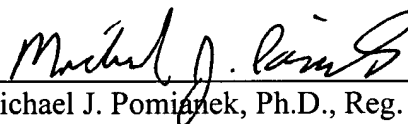
Regarding independent claims 47 and 48, claim 47, similarly to independent claim 1, recites an embossed pile fabric having an overlaid printed pattern, wherein visually discernable embossed regions have longitudinal axes oriented substantially along a given direction, and visible features of the printed pattern that are characterized by having longitudinal axes oriented substantially along the same direction. Independent claim 48, similar to independent claim 13 discussed previously, cites an embossed pile fabric with an overlaid printed pattern, wherein the embossed pattern and the printed pattern are oriented and superimposed with respect to each other so that the texture of the embossed pattern imparts a visual effect to the printed pattern which renders it more realistic than without the superimposed embossed pattern. Accordingly, as with independent claims 1 and 13, neither Gabay nor Stark, alone or in combination, discloses or suggests all of the limitations of either independent claim 47 or independent claim 48. As discussed above, Squires fails to cure these deficiencies. For this reason, it is believed that the rejection of these claims on the present basis has been overcome, and reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,



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Docket No.: M0459.70018US00
Date: June 24, 2004
x06/21/2004